HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.806 of 2006
Date of decision : 3.4.2007

Naresh Kumar and others **.....Appellants**

versus

Sumer Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sameer Rathore, Advocate for the appellants.
Mr.Jaivir Yadav, Advocate for respondent Nos.2 to 4.

* * *

ORDER

HEMANT GUPTA, J.

The plaintiffs are in second appeal aggrieved against the judgment and decree passed by the learned First Appellate Court whereby suit for declaration to the effect that the plaintiffs are owner in possession of the suit land measuring 2 kanals 6 marlas as co-sharers, was dismissed.

The plaintiff has claimed the aforesaid land inherited from his father Makhan Lal. However, the learned First Appellate Court found that the plaintiff has not been able to prove the title of his father over the land measuring 2 kanals 6 marlas nor could he prove that the name of his father has been inadvertently omitted due to error on the part of the revenue officials. In view of absence of any proof of title of his father over any part of the suit land the learned First Appellate Court has rightly dismissed the suit of the plaintiff in appeal. The findings recorded by the learned First Appellate Court are sought to be disputed by re-appreciation of evidence.

I do not find any illegality or irregularity in the findings recorded by the learned First Appellate Court which may raise any substantial question of law for consideration of this Court in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

April 3, 2007
**mohinder*